

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARLA BARTON,

No. C-06-1540 MMC

Plaintiff,

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE**

v.

ELI LILLY AND COMPANY,

Defendant

Before the Court is plaintiff's Case Management Conference Statement, filed May 23, 2006, by which plaintiff seeks to continue the June 2, 2006 case management conference in the instant action by approximately 120 days. Plaintiff states a continuance is necessary because She anticipates the instant action will be transferred for inclusion in MDL No. 1596, In re Zyprexa Products Liability Litigation, and because She has not served defendant. Because the instant action was filed February 28, 2006, the 120-day deadline for plaintiff to serve defendant, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, has not yet elapsed.

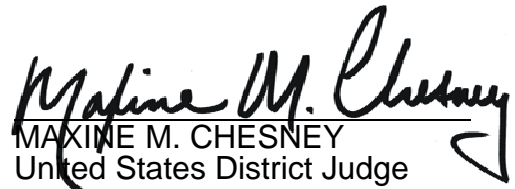
The Court further notes that it has been notified by the Judicial Panel on Multidistrict Litigation ("JPML"), by letter dated May 17, 2006, that the JPML has directed the Clerk of Eastern District of New York to file an order transferring the above-titled action to said

1 district court for inclusion in MDL No. 1596.

2 Accordingly, for good cause shown, the June 2, 2006 case management conference  
3 is hereby VACATED.

4 **IT IS SO ORDERED.**

5  
6 Dated: May 24, 2006

  
MAXINE M. CHESNEY  
United States District Judge